

Lyndhurst, Ohio  
October 5, 2015

The Council of the City of Lyndhurst held its Regular Meeting on Monday, October 5, 2015 at 7:35 P.M., Vice Mayor Lane A. Schlessel, presiding.

Members Present: Council Representatives J. A. Gambatese, C.A. LoPresti,  
P.A. Ward, J. Price, J. A. Marko, D. A. Frey.

Others Present: P. T. Murphy, Director of Law;  
R. F. Porrello, Chief of Police;  
F. E. Glady III, Director of Service;  
M. A. Kovalchik, Director of Finance;  
L. M. Puskas, Building Inspector;  
M. J. Carroll, Chief of Fire;  
M. A. Franco, Assistant Clerk of Council.

Absent: J. M. Cicero, Jr., Mayor.

The Oath of Office was administered to Firefighter/Medic, Richard Penicka.

The Oath of Office was administered to Firefighter/Medic, Derek Zaharewicz.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Resolution Number 2015-80 be moved to the beginning of the Agenda.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.

Resolution Number 2015-80 is moved to the beginning of the Agenda.

**RESOLUTION NO. 2015-80  
INTRODUCED BY: MAYOR  
CICERO AND ALL  
MEMBERS OF COUNCIL**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE  
APPRECIATION TO DAVE HOLTZ FOR HIS LONG AND FAITHFUL  
SERVICE FOR AND ON BEHALF OF THE CITIZENS OF THE CITY OF  
LYNDHURST AS A MEMBER OF THE FIRE DEPARTMENT**

It was moved by Mr. Ward, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2015-80 be placed on third reading for final adoption and read in its entirety.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Resolution No. 2015-80 was read in its entirety by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Resolution No. 2015-80 be adopted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Resolution No. 2015-80 is adopted.

Mr. Ward thanked Mr. Holtz for his service.

Mr. Marko thanked Mr. Holtz for his service, and the entire fire department for their exemplary service.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, September 21, 2015, copies of which were mailed to all Members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed unanimously, with Mr. Marko abstaining.

It was moved by Mr. Ward, seconded by Mr. Price, that the reading of the minutes of the Special Session of Council held Monday, September 21, 2015, copies of which were mailed to all Members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed unanimously, with Mr. Marko abstaining.

**MAYOR'S REPORT** – Mayor Cicero was absent; therefore, he had no report.

**FINANCE COMMITTEE** – Chairman Ward had no report.

**PUBLIC LANDS AND BUILDINGS COMMITTEE** – Chairman Ward aired the Public Lands and Building Committee will meet tomorrow, Tuesday, October 6<sup>th</sup> at 7:00PM.

**ROADS AND UTILITIES COMMITTEE** – Chairman Gambatese had no report.

**SERVICE AND SEWERS COMMITTEE** – Chairman Price had no report.

**SAFETY COMMITTEE** – Chairman LoPresti stated the police department recently completely the first phase of emergency medical training including: CPR, AED, and trauma kit training. The training was conducted by the fire department. Mr. LoPresti said the fire department has recently applied for a grant from Legacy Village for 6 AED units.

**LEGISLATIVE COMMITTEE** – Chairman Marko had no report; however, he stated the Legislative Committee will be meeting in the near future to discuss privacy laws and drones.

**PLANNING COMMISSION** – Mr. Frey stated the Planning Commission met September 24<sup>th</sup> to discuss Ordinances 2015-66, 2015-67, 2015-68 and 2015-76. Mr. Frey explained the Ordinances are updating language.

**SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION** – Ori Akrish said the Quality Profile for the school district has been released and is available online.

Mr. Akrish reported construction has begun on the new transportation center.

Mr. Akrish stated the Sunview has a new walking path.

Mr. Akrish said K-3 schools now offer Science, Technology, Engineering and Math Labs also known as S.T.E.M. Lab and the district has great plans for upgrading the health and science center.

Mr. Akrish stated the Father's Walk was well attended.

Alfreda Wynne introduced 3<sup>rd</sup> grader, Alexis Parks, 12<sup>th</sup> grader, Marcellus Byrd, and Graduate Taylor Wynn. The children spoke about their school experiences.

Mr. Ward aired Community Shred Day will be held Saturday, October 17<sup>th</sup> from 11:30AM until 3:30PM.

**THIRD READING**

**ORDINANCE NO. 2015-66**

**INTRODUCED BY: ADMIN**

**AN ORDINANCE ENACTING SECTION 1150.09(c)(63A) OF THE ZONING CODE OF THE CITY titled "DEFINITIONS"**

It was moved by Mr. Ward, seconded by Mr. Marko, that Ordinance No. 2015-66 be placed on table.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-66 is placed on table.

**THIRD READING**  
**ORDINANCE NO. 2015-67**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1168.03 OF THE ZONING  
CODE OF THE CITY TITLED “SCHEDULE OF PERMITTED BUILDING AND  
USES”**

It was moved by Mr. Ward, seconded by Mr. Price, that Ordinance No.  
2015-67 be placed on table.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-67 is placed on table.

**THIRD READING**  
**ORDINANCE NO: 2015-68**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1176.07(c) OF THE ZONING  
CODE OF THE CITY ENTITLED “OTHER PROHIBITED USES”**

It was moved by Mr. Ward, seconded by Mr. Price, that Ordinance No.  
2015-68 be placed on table.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-68 is placed on table.

**SECOND READING**  
**ORDINANCE NO. 2015-76**  
**INTRODUCED BY:**  
**COUNCILMAN SCHLESSEL**

**AN ORDINANCE AMENDING CHAPTER 1160.04(a)(2) OF THE  
CODIFIED ORDINANCES OF THE CITY ENTITLED “PARKING OF  
COMMERCIAL VEHICLES”**

It was moved by Mr. Ward, seconded by Mr. Price, that Ordinance No. 2015-76 be placed on second reading.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-76 is placed on second reading.

**ORDINANCE NO. 2015-81  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH ULLMAN ELECTRIC CO. FOR THE CITY HALL STANDBY POWER SYSTEM, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Marko, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-81 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Ordinance No. 2015-81 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Ordinance No. 2015-81 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-81 is passed.

**ORDINANCE NO: 2015-82  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING ORDINANCE NO. 2015-15 WHICH ESTABLISHED THE SALARY, COMPENSATION, AND HOURLY RATES OF PAY FOR NON-BARGAINING EMPLOYEES IN THE VARIOUS OFFICES AND DEPARTMENTS, INCLUDING MEMBERS OF BOARDS AND COMMISSIONS, AND WHICH CONFIRMED LONGEVITY COMPENSATION, VACATIONS, HOLIDAYS AND OTHER BENEFITS, IN THE CITY OF LYNDHURST, OHIO, REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 2015-15 INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-82 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Ordinance No. 2015-82 was highlighted by Mrs. Franco, with Section 14 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2015-82 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-82 is passed.

**ORDINANCE NO. 2015-83**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DONALD J. SCHONHARDT & ASSOCIATES, INC., TO PROVIDE ASSISTANCE IN THE PREPARATION OF BASIC FINANCIAL STATEMENTS FOR THE CITY AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-83 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Ordinance No. 2015-83 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Ordinance No. 2015-83 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-83 is passed.

**ORDINANCE NO. 2015 - 84  
INTRODUCED BY: ADMIN**

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND  
OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD  
ENDING DECEMBER 31, 2015 REPEALING ORDINANCE NO. 2015-75 AND  
DECLARING AN EMERGENCY.**

It was moved by Mr. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-84 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Ordinance No. 2015-84 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-84 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-84 is passed.

**RESOLUTION NO. 2015-85  
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS  
CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 711-16-060  
TO BE A NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT FOR THE WORK NECESSARY TO ABATE THE NUISANCE,  
AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2015-85 be placed on third reading for final adoption and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Resolution No. 2015-85 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Resolution No. 2015-85 be adopted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Resolution No. 2015-85 is adopted.

**RESOLUTION NO. 2015-86  
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 711-13-111 TO BE A NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE WORK NECESSARY TO ABATE THE NUISANCE, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Ward, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2015-86 be placed on third reading for final adoption and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Resolution No. 2015-86 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Resolution No. 2015-86 be adopted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Resolution No. 2015-86 is adopted.

**RESOLUTION NO. 2015-87  
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO 711-01-012 TO BE A NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE WORK NECESSARY TO ABATE THE NUISANCE, AND DECLARING AN EMERGENCY**



It was moved by Mr. Ward, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2015-87 be placed on third reading for final adoption and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Resolution No. 2015-87 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Resolution No. 2015-87 be adopted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Resolution No. 2015-87 is adopted.

**RESOLUTION NO. 2015-88  
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS  
CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 711-17-072  
TO BE A NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT FOR THE WORK NECESSARY TO ABATE THE NUISANCE,  
AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2015-88 be placed on third reading for final adoption and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Resolution No. 2015-88 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Resolution No. 2015-88 be adopted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Resolution No. 2015-88 is adopted.

**ORDINANCE NO. 2015-89  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH A&J  
CEMENT CONTRACTORS, INC., FOR THE 2015 CONCRETE PROGRAM  
AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-89 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Ordinance No. 2015-89 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-89 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-89 is passed.

**ORDINANCE NO. 2015-90  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH A&J  
CEMENT CONTRACTORS, INC., FOR THE 2015 CONCRETE PROGRAM,  
AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, AND DECLARING  
AN EMERGENCY**

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-90 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Rules Suspended.

Ordinance No. 2015-90 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-90 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.  
Nays: None.

Motion carried.  
Ordinance No. 2015-90 is passed.

### **Planning Commission Recommendations:**

#### **Proposed Ordinance No. 2015-66**

Recommendation made to Council to amend proposed Ordinance Number 2015-66, Section 1150.09 (c) (63A) to read: "Fueling Station" means a building or part of a building, or a structure or space, used for retail sale of fuel products, which provides no other onsite automotive services except a car wash as a conditional use.

#### **Proposed Ordinance No. 2015-67**

Recommendation made to Council to amend proposed Ordinance Number 2015-67, Section 1168.03, section 1 (2) to read: Automotive Fueling Station with or without an attached car wash. Prepackaged or prepared food items may be sold within a permitted automotive fueling station.

#### **Proposed Ordinance No. 2015-68**

Recommendation made to Council to amend proposed Ordinance Number 2015-68, Section 1176.07 (c) to read: Other Prohibited Uses. Crematories, tattoo parlors, trailer parks, storage garages, and car washes not attached to an automotive fueling station as a conditional use are also prohibited in the City.

#### **Proposed Ordinance No. 2015-76**

Recommendation be made to Council to amend proposed Ordinance Number 2015-76, Section 1160.04 (a) (2) to read: Any vehicle used for commercial purposes or in a commercial enterprise, which vehicle is marked or identified by lettering, symbols or signs relating to such commercial purpose or enterprise, or if not so identified, has attached thereto scaffolding, ladders, plows, cranes, hoists, hydraulic dump beds, backhoes or other tools and devices that are being used for such commercial enterprise or is designed and/or operated as a commercial vehicle or for a commercial purpose or has the capacity of one ton or more regardless of the type of registration by the BMV. Also, the paragraph below be amended to read: "The term "commercial vehicle" shall not include noncommercial motor vehicles, vehicles displaying license plates issued to a

handicapped person or vehicles displaying a valid parking card issued by the State of Ohio to handicapped persons, unless used as provided for in paragraph (a) (2) D.2. hereof. Removing the verbiage “vehicles licensed as passenger-type vehicles, as defined in Ohio R.C. 4501.01 (E), or.”

It was so noted, Ordinance No. 2015-66, Ordinance No. 2015-67, Ordinance No. 2015-68 and Ordinance No. 2015-76 will be the subject of a Public Hearing scheduled for November 2<sup>nd</sup> at 7:00PM.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the meeting be adjourned.

The question was put to a voice vote and passed unanimously.

Meeting adjourned at 8:26 P.M.

Approved: October 19, 2015

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Vice Mayor